

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND, PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST,
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY, and
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE FUND,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
corporation, and MCKESSON CORPORATION,
a Delaware corporation,

Defendants.

Case No. 1:05-CV-11148-PBS

JOINT MOTION TO MODIFY THE SCHEDULING ORDER

Counsel for plaintiffs and for defendant McKesson Corporation (collectively “the parties”)¹ in the above-captioned action hereby submit this joint motion to amend the Scheduling Order with respect to the briefing and hearing on class certification.

The Scheduling Order, dated February 13, 2006, set the following schedule:

Plaintiffs’ Motion for Class Certification due June 1, 2006;

McKesson’s Opposition due July 1, 2006;

Plaintiffs’ Reply due July 15, 2006;

McKesson’s Sur-Reply due July 30, 2006;

Hearing on Class Motion on September 19, 2006 at 2:00 p.m.

¹ Plaintiffs and defendant First DataBank, Inc. have agreed to a stipulation extending First DataBank’s time to respond to the Class Action Complaint until May 16, 2006.

Since the Scheduling Conference in February, the parties have been engaged in document discovery and have addressed protective order issues in both this action and in the AWP MDL action. Although each of the parties believes it has been proceeding diligently, the parties agree that more time is needed to complete the discovery necessary for briefing on class certification issues. No other requests for modification of the schedule have been made by either party. Accordingly, the parties propose an additional 45 days for each side as follows:

Plaintiffs' Motion for Class Certification due July 17, 2006;

McKesson's Opposition due September 29, 2006;

Plaintiffs' Reply due October 13, 2006;

McKesson's Sur-Reply due October 27, 2006;

Hearing on Class Motion on _____ at _____.

If the Court desires, the parties are prepared to submit additional information regarding the need for this relatively brief extension to the class schedule.

Dated: May 18, 2006

Respectfully submitted,

On behalf of DEFENDANT MCKESSON
CORPORATION

By:

/s/ Melvin R. Goldman

Melvin R. Goldman

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On behalf of PLAINTIFFS

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on May 18, 2006.

/s/ Melvin R. Goldman
Melvin R. Goldman

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[PROPOSED] SCHEDULING ORDER

May ____ 2006

Saris, U.S.D.J.

The Scheduling Order dated February 13, 2006 is amended as follows:

1. With respect to Plaintiffs' Motion for Class Certification, briefing will proceed according to the following schedule:

Motion for Class Certification	July 17, 2006
Opposition to Motion	September 29, 2006
Reply	October 13, 2006
Sur-Reply	October 27, 2006
Hearing	November ____, 2006

SO ORDERED.

Patti B. Saris
United States District Judge